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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O.A. No.350/00 286 of 2019

SANKAR SANA SINGH, son of Late
Bimbadhar Singh, aged about 38 years,
working as JE/PW/LLH/SPL under
SSE/PW/LLH, residing at No.1, B.B.
Ghosh Lane, P.O. & P.S. Belur, District
Howrah, Pin-711202.

... APPLICANT

VERSUS

1. **UNION OF INDIA**, service through
the General Manager, Eastern Railway,
Fairlie Place, 17, N.S. Road, Kolkata-
700001.
2. **PRINCIPAL CHIEF PERSONNEL
OFFICER**, Eastern Railway, Fairlie
Place, 17, N.S. Road, Kolkata-700001.
3. **DIVISIONAL RAILWAY MANAGER**,
Howrah Division, Eastern Railway, DRM
Building, Howrah-711101.

Wd

4. SENIOR DIVISIONAL PERSONNEL

OFFICER, Howrah Division, Eastern
Railway, DRM Building, Howrah-
711101.

5. SENIOR DIVISIONAL ENGINEER

(CO-ORDINATION), Howrah Division,
Eastern Railway, DRM Building,
Howrah-711101.

... RESPONDENTS

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/286/2019

Date of Order: 05.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Sankar Sana Singh -vs- Eastern Railway

For the Applicant(s): Mr. B. Chatterjee, Counsel

For the Respondent(s): Ms. C. Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Ms. C. Mukherjee, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Chatterjee has served copy of the O.A., along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. Mukherjee, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) An order directing the respondent authorities to effect the Promotion for the post of Senior Section Engineer/P.Way in terms of the Promotion Order dated 21.05.2013 vide Office Order No. 29 of 2013 in favour of the applicant along with granting the benefits of Pay and Allowances by fixing of his Pay in Grade pay of Rs. 4,600/- in PB-2 w.e.f 21.05.2013 as SSE/P.Way with all consequential monetary benefits as well as interest thereon.

b) An order directing the respondents to produce /cause production of all relevant records.

c) Costs

d) For any other appropriate relief or reliefs as your Lordships may deem fit and proper.”



4. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant joined his service as Apprentice Junior Engineer-II/P.Way on 04.11.2006. Thereafter, he was selected for promotion to the post of Senior Section Engineer/P.Way vide office order dated 21.5.2013 and, accordingly, he submitted his option in terms of CPO's Sl. No. 178/81 for fixation of his pay in the post of Senior Section Engineer/P.Way. The applicant made representation to the authorities for effect the Promotion Order dated 21.5.2013 but the same has not been considered whereas some juniors to the applicant got promotion in the said post and enjoying the benefits.

5. At the outset, Ld. Counsel for the applicant fairly submitted that although the applicant has preferred a representation dated 02.05.2018 (Annexure-A/10) before Respondent No.3 but till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No.3 within a specific time frame and till then one post in the promotional cadre may be kept vacant.

6. Ms. C.Mukherjee, Ld. Counsel for the Official Respondents, vehemently opposed the prayer of the applicant for keeping one post vacant.

7. Having heard Ld. Counsel for both the parties and after considering the submissions as well as opposition made by Ms. Mukherjee, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation of the applicant under Annexure-A/10, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if all the posts in the promotional cadre have not been filled up then one post may be kept vacant for a further period of two weeks from the date of communication of outcome of the representation to the

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applicant. I also make it clear that if after such consideration the applicant is found to be entitled to get the promotional benefits then necessary expeditious steps be taken within a further period of six weeks to grant him the said benefit of promotion. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

9. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 3, for which, he undertakes to deposit the cost with the Registry within a week.

10. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS